



The Practice of Buying and Selling During Friday Prayer in Mandailing District Natal: A Study With A *Maqashid Al-Syari'ah* Approach

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Abstract: Islam, as a complete religion, regulates all human life. It regulates vertical ritual worship to Allah Almighty and regulates horizontal worship, namely the relationship between humans, so balance is needed in life. Humans as social creatures created by Allah need each other and cannot be separated from *muamalah* affairs such as buying and selling to fulfill their needs. Buying and selling is also a daily activity for everyone to meet the needs of their lives. Everyone who does buying and selling must know the law of buying and selling so that no one is harmed, especially the practice of buying and selling when Friday prayer are performed. Thus, the practice works under the provisions of Islamic law. *Hablum minannas* in the practice of *muamalah* towards fellow human beings must be in line with *hablum minallah* based on the guidance of Islamic law. Broadly speaking, Islamic law itself is divided into two; worship and *muamalah*. *Muamalah* is the rules (laws) of Allah Swt, intended to regulate human life in worldly affairs of a social nature. In this discussion, the author will explain the law of buying and selling during Friday prayer in Mandailing Natal Regency: a study with a *maqashid al-syari'ah* approach. This research is descriptive-analytical with the field study research through a normative, empirical approach. The results of this study is that the law of buying and selling that reaches the degree of urgency during Friday prayer is permissible with the aim of more significant benefit, namely protecting the soul (*hifdzun an-Nafs*) and (*hifdzun al-Aql*). This law applies in buying and selling medical drugs at pharmacies, hospitals, and other vital objects.

Keywords: Buying and Selling, Friday Prayer, Maqashid al-Syari'ah

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Abstrak: Islam sebagai agama yang komplit mengatur segala kehidupan manusia, ia tidak hanya mengatur ibadah ritual vertikal kepada Allah Swt saja, tetapi juga mengatur ibadah horizontal yaitu hubungan antara manusia sehingga diperlukan keseimbangan dalam kehidupan. Manusia sebagai makhluk sosial yang diciptakan Allah Swt saling membutuhkan satu dengan yang lain tak lepas dalam urusan *mu'amalah* seperti jual beli guna memenuhi kebutuhan hidupnya. Jual beli juga merupakan aktivitas sehari-hari setiap orang untuk memenuhi kebutuhan kehidupannya, dan setiap orang yang melakukan jual beli harus mengetahui hukum jual beli agar jual beli tersebut tidak ada yang dirugikan terutama praktik jual beli di saat shalat Jum'at ditunaikan sehingga praktik itu berjalan sesuai dengan ketentuan syariat Islam. *Hablum minannas* dalam praktik muamalah terhadap sesama manusia harus sejalan dengan *hablum minallah* berdasarkan tuntunan hukum Islam. Secara garis besar hukum Islam itu sendiri terbagi kepada dua; Ibadah dan *mu'amalah*. *Mu'amalah* adalah aturan-aturan (hukum) Allah Swt yang ditujukan untuk mengatur kehidupan manusia dalam urusan keduniaan yang bersifat sosial kemasyarakatan. Dalam pembahasan ini penulis akan menjelaskan bagaimana hukum jual beli saat pelaksanaan shalat Jum'at di Kabupaten Mandailing Natal: suatu kajian dengan pendekatan *maqashid al-syari'ah*. Penelitian ini bersifat diskriptif analitis dengan jenis penelitian studi lapangan melalui pendekatan normative empiris. Adapun kesimpulan dari hasil penelitian ini bahwa hukum jual beli yang sampai pada derajat *kedharuratan* saat pelaksanaan shalat Jum'at adalah boleh (*mubah*) dengan tujuan kemaslahatan yang lebih besar yaitu menjaga jiwa (*hifdzun an-Nafs*) dan (*hifdzun al-Aql*). Hukum inilah yang berlaku dalam praktik jual beli obat-obatan medis di apotik rumah sakit dan objek vital lainnya.

Kata Kunci: *Jual Beli, Salat Jum'at, Maqasid Syari'ah*

Introduction

Muamalah is part of sharia in various fields of economic activity, from buying and selling to stock investment. It is a part of Islamic law, which regulates human life with humans, society and nature, and human relations to God.¹ This aspect is the basis of the *mu'amalah* (commercial and civil acts or dealings under Islamic law). Among the most developed problems in social life is the problem of *muamalah*, especially *muamalah maliyah* or human interactions related to money and property with all forms of transactions.² *Muamalah maliyah* has

¹ Hilman Taqiyudin, "Konsep Etika Muamalah dalam Islam," *MUAMALATUNA* 11, no. 1 (September 22, 2020): 80, <https://doi.org/10.37035/mua.v11i1.3326>.

² Moch Maksum, *Hukum Dan Etika Bisnis, Deepublish Budi Utama*, 2020.

undergone many changes from time to time, so that sharia as a legal standard should not be rigid and seem to curb human activities. Otherwise, it should provide the broadest possible freedom as long as the case does not conflict with the contents of the main teachings in Islam.³ Because the original law of everything that Allah SWT (The most glorified, the most high) created to bring benefits is permissibility. As in one method, it is stated:

الأصل في الأشياء الإباحة

Strictly speaking, Allah SWT also states that all creation that exists is only intended for humankind (*al-Baqarah*: 29). In another surah and verse (*al-Jasiah*: 22), it is also explained that everything that Allah has created in the sky, such as the sun, the stars, the moon, the air, and even the pleasures of boarding a plane, the creation of what is in the water from the various kinds of fish and plants, as well as boats and ships and what is on the earth from the types of soil, water, mountains, trees, and animals, is for the benefit and good for humankind.⁴ Even in *Surah Luqman*, Allah SWT states that all visible and invisible creations such as bacteria and small molecules invisible to the naked eye are also for the benefit of humanity. However, there are commentators such as ibn Abbas (may Allah be pleased with him) who says that (وَأَسْبَغَ عَلَيْكُمْ نِعْمَتَهُ ظَاهِرَةً وَبَاطِنَةً) the sentence is a blessing of faith and Islam.⁵

In terms of *muamalah*, Islam provides freedom, but at the same time, Islam always provides rules so that its adherents do not fall into sin. Hence, in the study of *ushul fiqh* (principles of Islamic jurisprudence), one of the sources of determining Islamic law that gets much attention is the topic of *saddu adzari'ah*.⁶ In this sense, the legal issues continue to develop and change while the arguments used as legal foundations remain.

تغير الأحكام بتغير الزمان والمكان

The types and forms of *muamalah* that humans have carried out from the past until now have developed according to the needs and knowledge of humans themselves. On that basis, it is found that, in various ethnic groups, types and forms of *muamalah* are diverse, and the essence of which is mutual social

³ Eka Sakti Habibullah, "Prinsip-Prinsip Muamalah dalam Islam," *Ad Deenar: Jurnal Ekonomi dan Bisnis Islam* 2, no. 01 (March 31, 2018): 25, <https://doi.org/10.30868/ad.v2i01.237>.

⁴ Ibn Jarir at-thabari As-sijistani, *Tafsir At-Thobari: Jami'ul Bayan 'an Ta'wil Ayat Qur'an* (Bairut: Dar al-Kutub al-'Ilmiyyah, 2002).

⁵ As-sijistani.

⁶ Muhamad Takhim, "Sadd Al-Dzari'ah dalam Muamalah Islam," *AKSES: Jurnal Ekonomi dan Bisnis* 14, no. 1 (March 9, 2020), <https://doi.org/10.31942/akses.v14i1.3264>.

interaction in an effort to meet each other's needs. It is following the word of Allah SWT, in Quran *Surah Al-Isra'* verse 84, which is:

قُلْ كُلٌّ يَعْمَلُ عَلَىٰ شَاكِلَتِهِ فَرَبُّكُمْ أَعْلَمُ بِمَنْ هُوَ أَهْدَىٰ سَبِيلًا

Meaning: "Every one acts according to his own character (made up of his creed, worldview and disposition), and your Lord knows best who is better guided in his way." (Q.S Al-Israa' : 84).

The verse above describes the human psyche and character incarnated in their behaviour and actions. This verse says that one's mental character and traits influence one's actions. This character is influenced by two critical factors, namely heredity (habits) and education. Traits or habits are obtained from parents and family, while education is obtained in an environment that includes family, school, and association. However, these two elements do not solely determine a person's actions. Because what determines is the will and choice of the man himself.

Muamalah is the rules (laws) of Allah SWT, intended to regulate human life in worldly affairs or affairs related to worldly and social affairs⁷, including buying and selling during Friday prayer. According to Quran, in *Surah Al-Jumu'ah* verse 9, which is:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا نُودِيَ لِلصَّلَاةِ مِنْ يَوْمِ الْجُمُعَةِ فَاسْعَوْا إِلَىٰ ذِكْرِ اللَّهِ وَذَرُوا الْبَيْعَ ۚ ذَلِكُمْ خَيْرٌ لَكُمْ إِنْ كُنْتُمْ تَعْلَمُونَ

Meaning: "O you who believe! When the call is made for the Prayer on Friday, then move promptly to the remembrance of God (by listening to the sermon and doing the Prayer), and leave off business (and whatever else you may be preoccupied with). This is better for you, if you but knew." (Q.S al-Jumu'ah: 9).

Confirmed by the Hadith of the Prophet Muhammad Peace Be Upon Him (PBUH) as follows:

عَنْ عَمْرِو بْنِ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَىٰ عَنِ الشِّرَاءِ وَالْبَيْعِ فِي الْمَسْجِدِ وَأَنْ تُنْشَدَ فِيهِ ضَالَّةٌ وَأَنْ يُنْشَدَ فِيهِ شَعْرُوتَيْ عَنِ التَّلْحِقِ قَبْلَ الصَّلَاةِ يَوْمَ الْجُمُعَةِ

Meaning: "From Abdullah bin Amr bin Ash May Allah blessed him, that the Messenger of Allah has prohibited buying and selling activities in

⁷ Rachmat Syafe'i, *Fiqih Muamalah* (Bandung: Pustaka Setia, 2001).

mosques, looking for lost items, reading strings of poetry. He also forbade holding a meeting before prayer on Friday.” (Narrated by Sunan Abu Dawud).⁸

Based on the meaning of the above verse and hadith that when the muezzin calls the call to prayer on Friday, then let us leave all kinds of commerce, buying and selling and hurry to the mosque to remember Allah (Friday prayer and listen to the pillars of the two sermons). Therefore, the generality of the verse has emphasized that the practice of buying and selling is prohibited when approaching Friday prayers. Even, the Prophet also prohibited gatherings before Friday prayer. Legal problems arise when faced with the question to whom the prohibition applies and when is its implementation prohibited? It should also be noted that when the prohibition of buying and selling is faced with circumstances and conditions that are *dharurah* (emergency), the public can understand the wisdom of the prohibition. The presence of a rule does not deviate from the primary purpose of the sharia being revealed. The research method used in this article is a descriptive-analytical field study with an empirical normative approach through benefit studies (*maqashid al-syariah*).

The Definition and Legal Basis of Buying and Selling

Etymologically, buying and selling is the process of exchanging goods for goods. Both the seller and the buyer are called *baa'i'un* and *baiyyi'un*, *musytarin* and *syaarin*.⁹ In another sense, buying and selling are stated in a word, namely *al-bay'*, which means selling, replacing, and exchanging (something with something else).¹⁰

As for the understanding of buying and selling in terminology, ulemas differ in defining it, including:

1. According to Maliki School, buying and selling or *bai'* according to the term has two meanings, namely:
 - a. The definition for all units is *bai'* (buying and selling), which includes contracts, greetings, etc.
 - b. Understanding for one unit from several units, namely something that is understood from the absolute *bai'* pronunciation according to *'urf* (custom).

⁸Abu Dawud Sulaiman Ibn al-Asy'at Al-Sijistaniy, *Sunan Abu Dawud* (Riyadh: Dar as-Salam, 1999).

⁹ Wahbah al-Zuhaili, *Fiqh Islam Wa Adillatuhu*, Jilid 5 (Jakarta: Gema Insani, 2011).

¹⁰ Hasan Ali, *Berbagai Macam Transaksi dalam Islam (Fiqh Muamalah)* (Jakarta: Persada, 2004).

2. According to the Hanbali School, buying and selling, according to *syara'* (Islamic law) is exchanging property for property or exchanging permissible benefits with permissible benefits forever.
3. According to the Shafi'i school, buying and selling, according to *syara'* is a contract of exchanging assets with assets in a certain way.
4. According to the Hanafi School, buying and selling are exchanging property with other assets in a special way. What is meant by *lam hanafiyah* with these words is through *ijab qabul* (proposal and acceptance) or *mu'aathaa* '(without consent *qabul*) or it is also permissible to give goods and prices to each other from the seller and the buyer.¹¹

Based on those arguments, it can be concluded that buying and selling is an exchange of property for a property based on giving up or transferring property in exchange for justifiable. In this definition, the meaning of property in the above definition is everything owned and valuable. Then, the exception is that which does not belong to one person and is not applicable. The meaning of compensation is that it can be distinguished from grants (gifts). Meanwhile, the property is justifiable (*ma'dzun fih*) that it can be distinguished from prohibited buying and selling.¹²

The practice of buying and selling in transfers is emphasized so that it must be owned. Because there is also an exchange of property that does not have to be owned, which is called a lease.¹³ It should be understood that the practice of buying and selling must have the pleasure of both parties. One receives the object, and the other receives it under the agreement or provisions that the Islamic law has justified.

The legal basis for buying and selling is prescribed based on the Qur'an, Sunnah and *Ijma'* (consensus), namely:

1. Based on the Quran, including:

وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا...

Meaning: " But Allah has permitted trade and has forbidden usury (interest". (QS. Al- Baqarah : 275).

¹¹ Alaudin Al-Kasyani, *Bada'i Ash-Shanai' Fi Tartib Asy-Syarai'* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1998).

¹² Sayyid Sabiq, *Fiqh As-Sunnah*, Juz 3 (Beirut: Dar Al-Fikr Al-'Arabiyy, 1983).

¹³ Ibnu Qudamah al-Maqdisi, *Al-Mughny 'ala Mukhtasar Al-Kharqy*, Juz III (Beirut: Dar al-Kutub al-'Ilmiyyah, n.d.).

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

Meaning: "O you who believe! Eat not up your property among yourselves unjustly except it be a trade amongst you, by mutual consent. And do not kill yourselves (nor kill one another). Surely, Allah is Most Merciful to you" (An-Nisa': 29).

2. Based on the Hadith

عَنْ رِفَاعَةَ ابْنِ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ سُئِلَ أَيُّ الْكَسْبِ أَطْيَبُ قَالَ: عَمَلُ الرَّجُلِ بِيَدِهِ وَأَنْ يُبِيعَ مُبْرُورًا (رواه البزار وصححه الحاكم)

Meaning: "From Rifa'ah bin Rafi' May Allah bless them: the Prophet Peace be Upon Him asked: what search is the best? He replied: "He is the one who works with his hands and every sale and purchase is clean". (Narrated by Al-Bazzar and approved by Hakim)¹⁴

Other evidences from the Sunnah include the following:

عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَيُّهَا النَّاسُ اتَّقُوا اللَّهَ وَأَجْمِلُوا فِي الطَّلَبِ فَإِنَّ نَفْسًا لَنْ تَمُوتَ حَتَّى تَسْتَوْفِيَ رِزْقَهَا وَإِنْ أَبْطَأَ عَنْهَا فَاتَّقُوا اللَّهَ وَأَجْمِلُوا فِي الطَّلَبِ خُذُوا مَا حَلَّ وَدَعُوا مَا حَرَّمَ

Meaning: "From Jabir bin Abdullah May Allah bless him, he said, "The Messenger of Allah said, 'O mankind, fear Allah, and be good in seeking the world. Verily a soul will not die so that it receives all of its sustenance even if part of it slowly. Fear Allah and act well in seeking the world. Take what is lawful and leave what is unlawful.'" (Narrated by Ibn Majah)¹⁵

عَنْ أَبِي هُرَيْرَةَ وَابِي سَعِيدٍ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بَعَثَ أَخَا بَنِي عَبْدِ الْأَنْصَارِيِّ فَاسْتَعْمَلَهُ عَلَى خَيْبَرَ فَقَدِمَ بِتَمْرٍ جَنِيبٍ فَقَالَ لَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَكُلُ تَمْرٍ خَيْبَرَ هَكَذَا قَالَ لَا وَاللَّهِ يَا رَسُولَ اللَّهِ إِنَّا لَنَشْتَرِي الصَّاعَ بِالصَّاعَيْنِ مِنَ الْجَمْعِ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَا تَفْعَلُوا وَلَكِنْ مِثْلًا بِمِثْلٍ أَوْ يَبِيعُوا هَذَا وَاشْتَرُوا بِتَمَنِهِ مِنْ هَذَا وَكَذَلِكَ الْمِيزَانُ

¹⁴ Imam Al-Hafidz Ibnu Hajar Al-Asqalany, *Bulughul Maram* (Jakarta Selatan: Noura, Mizan Publika, 2012).

¹⁵ Muhammad Nashiruddin Al-Albani, *Shahih Sunan Ibnu Majah* (Riyadh: Dar as-Salam, 1997).

Meaning: "From Abu Hurairah and Abu Said May Allah bless them, that the Messenger of Allah sent a man from the Bani Adi Al Ansari to Khaibar. Then the man came to the Messenger of Allah with Janib's dates (that is, dates that have good quality). Then the Messenger of Allah asked him, "Are all Khaibar dates of that quality?" The man replied, "No, O Messenger of Allah. Not all Khaibar dates are of the same quality as these dates. Actually, I bought one sha' of these dates with two sha' of mixed dates." Hearing the man's answer, the Messenger of Allah said, "Don't do the trading in that way! However, you can sell it in the exchange for two similar goods and similar items. Or, you sell these dates first and then you buy other dates from that money". (Narrated by Muslim)¹⁶

3. Based on Consensus

Muslims agree that buying and selling are legal, and there is wisdom in it. The reason is that humans depend on goods owned by other people, and of course, that person will not give them without any return. Therefore, allowing buying and selling can help fulfill everyone's needs and pay for their needs. Humans themselves are social beings, so they cannot live without cooperation with others. Human needs are related to what is in the hands of each other. There is no other way for reciprocity except by buying and selling contracts. Hence, this sale and purchase contract becomes an intermediary for humans to fulfill their needs.¹⁷

In principle, the legal basis for buying and selling is permissible. Imam Shafi'i said, "All types of buying and selling are legal if two parties carry them out. Each of them has the eligibility to carry out transactions, except for buying and selling, which is prohibited or prohibited by permission. So, it is included in the prohibited category. Other than that, buying and selling are legal as long as it is in the form determined by Allah SWT.¹⁸

The Opinion of Ulema against Buying and Selling during Friday Prayer

Islam as a complete religion regulates all human life, regulates vertical ritual worship to Allah SWT, and regulates horizontal worship, namely the relationship between humans. In other terms, *hablum minallah wa hablum*

¹⁶ Imam Abi Husen Muslim bin Hajaj, *Shahih Muslim* (Beirut: Dar Al-Fikr, 1992).. Look Imam Al-Hafidz Ibnu Hajar Al-Asqalany, *Bulughul Maram*.

¹⁷ Enang Hidayat, *Fiqh Jual Beli* (Bandung: Remaja Rosda Karya, 2015).

¹⁸ Wahbah al-Zuhaili, *Fiqh Islam Wa Adillatuhu*.

minannas. The good or bad of *hablum minallah* depends on the good and bad of *hablum minannas*.¹⁹ This fellow relationship has created a branch of science in Islam known as *fiqh muamalah*. The aspect of the study is something related to *muamalah* or the relationship between other people. It starts from buying and selling, leasing, debts, and others. To fulfill everyday life's needs, every Muslim must carry out a transaction commonly called buying and selling. However, it is necessary to understand how the law of buying and selling when approaching Friday prayer.

In a hadith, the Messenger of Allah said: "The best day when the sun rises is Friday. On this day, the Prophet Adam was created. On this very day, he was entered into heaven. Furthermore, the Day of Resurrection will not occur except on Friday." From Sa'ad bin Ubaddah RA (may Allah bless him) said that the history of As-Shafi'i and Ahmad, the Messenger of Allah said: "Verily Friday is the ruler of all days and the most glorious in the sight of Allah, it is greater in the sight of Allah than the feast of *Nahri* and *Eid Al-Fitr*".²⁰

Among the other privileges of Friday is the implementation of Friday prayers for Muslims who are *baligh* (mature), have a sense of mind and live in a residence. In fact, this Friday prayer also has its own privileges compared to other obliged prayers. One of them is the prohibition of buying and selling during the Friday prayer ritual.²¹ This is in accordance with the word of Allah SWT in the Quran *Surah Al-Jumu'ah* verse 9.

The purpose of *Surah Al-Jumu'ah* verse 9 is that Allah SWT explains that when the muezzin calls the prayer on Friday, people leave commerce and all worldly endeavours and hasten to the mosque to listen to the sermon and perform the Friday prayer. The meaning of "sale and purchase" is all transactions work. In understanding the generality of the verse, the ulema differs on this issue, as explained below.

First. This prohibition is not limited to buying and selling, but includes all contracts that can turn away from remembering Allah and hearing the Friday sermon such as marriage contracts, leases and other contracts. This is the opinion of *Shafi'iyah*, as stated by Imam al-Mawardi:

¹⁹ Lili Rasyidi, *Dasar-Dasar Filsafat Hukum* (Bandung: Citra Aditya Bakti, 1996).

²⁰ Imam Ahmad bin Muhammad bin Hanbal, *Al-Musnad Al-Imam Ahmad Ibn Hanbal* (Cairo-Mesir: Darul Hadist, n.d.).

²¹ Syaikh al-Allamah Muhammad bin Abdurrahman ad-Dimasqi, *Fiqh Empat Mazhab* (Bandung: Hasyimi Press, 2010).

فَكَانَ مَعْنَى نَهْيِهِ عَنِ الْبَيْعِ أَنَّهُ شَاغِلٌ عَنِ حُضُورِ الْجُمُعَةِ ، فَكَانَتْ عَقُودُ الْمَنَاجِحِ وَالْإِجَارَاتِ وَسَائِرِ الْأَعْمَالِ وَالصَّنَائِعِ قِيَاسًا عَلَى الْبَيْعِ ، لِأَنَّهُ شَاغِلٌ عَنِ حُضُورِ الْجُمُعَةِ²²

Meaning “The purpose of the prohibition of buying and selling is because buying and selling turn a person away from attending Friday prayers. Thus, all marriage and rental contracts, as well as all forms of activities and crafts are equated with buying and selling because all of them turn away from attending Friday prayers.”

Second. This prohibition on sale and purchase includes buying and selling. It is specialized in buying and selling for other activities because this is the job that most people are involved in and most often keeps people busy in the market, so they neglect to attend Friday prayer.

As for the opinion of the *Fiqh* Experts regarding the law of carrying out buying and selling during Friday prayer, namely:²³

1. *Syafi'iyah* believes that if buying and selling occur when the Friday call to prayer is sounded, the sale and purchase are legal but unlawful. The sale and purchase referred to here are not related to the sale and purchase itself but because they cause other violations. That is by not attending Friday prayers. So, buying and selling are still valid, and the perpetrators are sinful because they neglect their obligations as Muslims.
2. *Malikiyah* believes if there is a sale and purchase at the time of the Friday call to prayer, the sale and purchase are unlawful and canceled unless there is a change in the price of the goods being sold. For example, it is slaughtered or eaten in part. Likewise, if the market for the goods changes, for example, prices go down or up, invalid buying and selling can be restarted. If one of the above occurs, the selling and buying are carried out while the price of the goods being sold must still be determined on the day of returning the goods, not based on the price when the transaction contract for the goods is made. However, freeing slaves, marriage, divorce, and others are not invalidated because of people's habits. The importance of dealing with these matters is not like dealing with buying and selling.
3. *Hanabilah* believes that if there is a buying and selling at the time of the Friday call to prayer, the sale and purchase are not valid at all. Because when the

²² Abi al-Hasan bin Muhammad al-Habib Al-Mawardi, *Al-Hawi Al-Kabir Fi Fiqhi Mazhab Al-Imam as-Syafi'i* (Bairut: Dar al-Kutub al-'Ilmiyyah, 2003).

²³ Al-Mawardi. Lihat juga Abdurrahman Al-Jaziri, *Fiqh Empat Mazhab* (Jakarta: Darul Ulum Press, 2011).

Friday call to prayer was sounded, Allah SWT prohibits buying and selling. When Allah forbids it, it is considered not valid to carry out buying and selling activities.

According to the Prophet Muhammad PBUH:

مَنْ عَمِلَ عَمَلًا لَيْسَ عَلَيْهِ أَمْرُنَا فَهُوَ رَدٌّ²⁴

Meaning: "Whoever does a deed that is not from our ritual (Islam), then the practice is rejected." (Narrated by Bukhari and Muslim).

4. *Hanafiyah* and some *Syafi'iyah* believe that if there is a buying and selling when the Friday call to prayer is sounded, the sale and purchase is *makruh tahrim*. It is with the reason that even though it is prohibited, it is just that the prohibition is not aimed at the buying and selling material, but because it is carried out at the time of the Friday prayer.

From the description above, it can be concluded that according to Maliki, the sale and purchase carried out at that time was void with the cancellation of the contract, whether it is buying and selling, renting, inauguration, and others. As for the Hanafi and Shafi'i madhab, it is not invalid because even though it is prohibited, it is just that the prohibition is not aimed at the substance of the sale and purchase material, but because it is carried out during the Friday prayer.²⁵

As for those who are prohibited from buying and selling during the Friday prayer, it is stated that:²⁶

1. Men are obliged to pray Friday. Meanwhile, women, children, and sick people are not subject to the ban on buying and selling. It is the opinion of the majority of ulemas. The reason is that the command in verse is directed at people who go to Friday prayer. People other than that means they are not subject to the prohibition of buying and selling at that time following the Quran *Surah Al-Jumu'ah: 9*.
2. The person who does it knows that it is forbidden to buy and sell after the second *adzan* (call for prayer) to Friday prayer. This is the opinion of the Shafi'i ulema.

²⁴ Syaikh Sa'ad bin Nashir Asy-Syatsri, *Syarh Al-Arba'in An-Nawawiyah Al-Mukhtashar* (Riyadh: Dar Kunuz Isybiliya, 2009).

²⁵ Muhammad As-Sabuni, *Tafsir Ayatul Ahkam*, Jilid II (Kairo: Dar Ash Shabuni, 2007).

3. Those who do buying and selling do not intend to eliminate harm (danger), so he is forced to do buying and selling. For example, in an emergency, he must buy food or buy a shroud for the corpse, and if it is postponed, the condition of the corpse will change or disgrace will be exposed for the deceased. It could be worse; perhaps, the disclosure of the disgrace to the deceased will become the byword of the community for the bereaved family.

As for the opinion regarding the prohibition of buying and selling on Friday, it is the time from the preacher ascends the pulpit until the prayer is finished. However, some ulemas differ on this matter. According to Hanafi's ulemas, the time is from the first call to prayer. This buying and selling is *makruh at-tahrim* according to Hanafi ulema. Meanwhile, according to the Syafi'iyah ulemas, the sale and purchase are *fasakh* (canceled). Moreover, according to the Malikiyah ulemas, in a well-known opinion, and according to the Hanabilah ulemas, this sale and purchase are not valid.²⁷

In the context of urgency, the ulemas see a legal issue not based on being lawful or not, valid or invalid, but rather about the values of benefit to be achieved to reject the existing harm. This is the peculiarity of the study of law from the *maqashid al-shari'ah* perspective in viewing the permissibility or prohibition of law with considerations of benefit and *dharurat* (harm).²⁸

According to the author, the practice of buying and selling for basic needs can still be done even though Friday prayer are being performed. Vital objects such as medicines in hospitals, food, and beverages at terminals, airports, ports, travel tickets, the stock market, and state-owned securities, including the stock market, which has a certain level of urgency, make the sale prohibition law buy is possible. It is for the sake of maintaining the survival of human life, maintaining public order and as social security for humankind, and affirming that sharia exists to facilitate, not the other way around. The purpose of this religion is revealed to maintain the five basic principles in religion (*ad-dharuriyat al-khamsa*), namely guarding religion, guarding the soul, guarding reason, maintaining lineage and descendants, and guarding property.

²⁷ Wahbah al-Zuhaili, *Fiqh Islam Wa Adillatuhu*.

²⁸ Zaenudin Mansyur, "Implementasi Teori Maqashid Syari'Ah Asy-Syatibi Dalam Muamalah Kontemporer," *JURISDICTIONE* 11, no. 1 (June 3, 2020): 67, <https://doi.org/10.18860/j.v11i1.7675>.

Buying and Selling Practices During Friday Prayers: *Maqashid Al-Syariah* Analysis

Islamic law is a significant part and cannot be separated from Islam itself. The study of Islamic law is a study that has existed since the early period of Islam and continues to this day. In addition to being full of sociological content, it cannot be denied that fiqh or Islamic law also has a theological dimension, which distinguishes fiqh from the law in the terminology of modern jurisprudence. However, placing a wrong perspective on the theological dimensions can lead to the assumption that fiqh is a sacred rule.

In its early history, Islamic law or *fiqh* was a dynamic and creative force. It can be seen from the emergence of several schools of law that have their styles according to the socio-cultural and political background in which the schools of law grow and develop. In the paradigm of classical *fiqh*, five principles allow Islamic law to evolve: 1) The principle of *Ijma*; 2) *Qiyas* Principle; 3) The principle of *Maslahah Mursalah*; 4) The principle of maintaining the *Urf*, and 5) the law changes through the changing times. These five principles clearly show how flexible Islamic law is, including issues related to buying and selling practices during Friday prayers.

According to the Quran in *Surah Al-Jumu'ah* verse 9, it is forbidden to do buying and selling activities when approaching Friday prayers. Also, following the Hadith conveyed by the Prophet Muhammad PBUH, regarding the obligation of Friday prayer and who is not obliged to perform Friday prayer:

وَعَنْ طَارِقِ بْنِ شِهَابٍ أَنْتَرَسُوْلَ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ قَالَ: الْجُمُعَةُ حَقٌّ وَاجِبٌ عَلَى كُلِّ مُسْلِمٍ فِي جَمَاعَةٍ إِلَّا أَرْبَعَةً: مَمْلُوكٌ وَامْرَأَةٌ وَصَبِيٌّ وَمَرِيضٌ (رَوَاهُ أَبُو دَاوُدَ، وَقَالَ: لَمْ يَسْمَعْ طَارِقٌ مِنَ النَّبِيِّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ، وَأَخْرَجَهُ الْحَاكِمُ مِنْ رِوَايَةِ طَارِقِ الْمَذْكُورِ عَنْ أَبِي مَوْسَى)

Meaning: “From Tariq bin Shihab, that the Messenger of Allah once said, “Friday prayer is obligatory on every Muslim in the congregation, except for four groups, namely, slaves, women, children and sick people.” (H.R. Abu Dawud. He said, Tariq did not hear from the

*Prophet SAW. Hakim narrated from Tariq's narration, from Abi Musa)*²⁹

Islamic law aims to realize the goodness of life that is essential and is the interest of human life that must be considered. The essential life needs in humans can be divided into three:³⁰

1. Essential needs (*al-Masalih ad-Daruriyah*) are absolute needs that humans need in living their lives to ensure their survival, and which include, among others: a. maintaining religious safety, b. preserving the safety of the soul c. maintaining the mind, d. maintaining offspring, e. maintaining property safety.
2. Non-essential needs (*al-Masalih al-Hajjiyah*) are indispensable needs because otherwise, they can cause difficulties for human life.
3. Complementary needs (*al-Masalih al-Tahsiniyyah*) are interests that, if not fulfilled by humans themselves, will not result in annihilating or destroying them. However, if it can be realized, it will help to provide an aesthetic (beauty) side by sticking to morals (ethics) and culture (*al-'urf*).

From the explanation above, the author argues that by looking at the current conditions, there are still many men who continue buying and selling even though the call to prayer for Friday prayers has been sounded. It is because of the necessity or the lack of knowledge and sincerity of faith that it has not been strong enough. In this case, their buying and selling will be considered *makruh tahrim*, in particular buying and selling practices. For example, a man continues to buy and sell even though the call to prayer for Friday prayers has been sounded because he bought a shroud to the corpse needed at that time. If he does not buy the shroud, it will be detrimental to the deceased. There is also a man buying and selling when the Friday call to prayer was sounded because he had to buy staple food for his hungry family. In this case, if he didn't buy it, his family would be threatened with life. In addition, it could also happen when a man still conducts buying and selling because he bought medicine for his family. If the drug is not bought immediately, it could be that his family will lose their lives.

More specifically, based on the data obtained, the authors found the practice of buying and selling medicines in hospitals and vital objects such as

²⁹Muhammad bin Ismail as-Shun'ani, *Subulus Salam*, Jilid III (Surabaya: Amelia, 2015).

³⁰Lili Rasyidi, *Dasar-Dasar Filsafat Hukum*.

airports and ports, which still have to operate. The Panyabungan Regional General Hospital, for example, has a pharmacy that must be open for 24 hours, Emergency Installation (IGD), which must always be on standby and guard. Also, the alertness of surgeons and specialists who must dedicate all their time to saving patients who need severe treatment which is not limited by working hours. It is in line with the need for medicines that require that the practice of buying and selling cannot be stopped to maintain the safety of human life. As the results of an interview with the head of the Panyabungan Hospital Pharmacy, Mrs. Yulia Sastri Caniago, S.Kep said:

*“The Panyabungan Hospital Pharmacy is a government-owned hospital, so the rules and regulations applied must comply with the applicable regulations. Regarding the pharmacy in this hospital, it must always be open for 24 hours even during Friday prayer.”*³¹

At a another time, the Surgeon dr. Joko Siswanto, Sp.B and dr. Muhammad Nasir Tambunan, Sp.B said that:

*“The work of doctors is very noble because they carry out tasks from God. A job that prioritizes human values in order to protect everyone's life so that we should be given all our ages for this noble task as God's representatives. We must always be alert every time there is a call for humanity without being limited by time and circumstances, including during Friday prayers”.*³²

The Indonesian Medical Code of Ethics concerning General Obligations Article 1 states that "every doctor is obliged to uphold, live and practice the oath and or doctor's appointment." One of the contents of the oath of the Medical Ethics Code Article 1 letter 8 states: "I will try my best so that I will not be influenced by considerations of religion, nationality, ethnicity, gender, politics, social position and type of disease in carrying out obligations to patients."³³

³¹ Interview with Ms.Yulia Sastri Caniago, S.Kep. Head of Pharmacy at Panyabungan Hospital on Tuesday, October 5, 2021, at 09.45

³² Interview with surgeon dr. Joko Siswanto, Sp.B and dr. Muhammad Nasir Tambunan, Sp.B. on Tuesday, October 5, 2021, at 11.11.

³³ Pengurus Besar Ikatan Dokter Indonesia, “Kode Etik Kedokteran Indonesia,” Ikatan Dokter Anak Indonesia § (2012), <http://www.idai.or.id/professional-resources/ethic/kode-etik-kedokteran-indonesia>.

Health services are part of a vital object that requires explanations and special regulations governing health insurance for all Indonesian people regardless of religion, race, language, and ethnicity. The head of the emergency room of the Panyabungan Regional General Hospital, Mr. Bataraguru Nasution, S.Kep said:

*"The ER as the front line in saving patients at critical levels that threaten life safety must be on standby for 24 hours. Surely, units directly related to the ER must also be on standby as well as operating rooms, pharmacies and their medical personnel."*³⁴

The view of the Indonesian Ulema Council (MUI) of Mandailing Natal Regency, in this case, was conveyed directly by Mr. Mahmudin Pasaribu as the Chair of the MUI regarding the law of buying and selling during Friday prayer. He said that:

*"The practice of buying and selling during Friday prayers based on the agreement of the ulemas is forbidden. It applies to Muslims who can attend Friday prayers. It is based on the generality of the verse of the Quran surah al-Jum'ah verse 9. However, under certain conditions and circumstances, such as buying and selling drugs in hospitals and selling food and drinks at terminals, airports, and ports, prohibition shifts to makrooh (disapproved). Even when the level of emergency is greater, it is a sin for people who do not want to serve the sale and purchase of goods that can support the survival of others' lives."*³⁵

In line with that, the Chairman of the Indonesian Ulema Council (MUI) Consensus Commission of Mandailing Natal Regency asserted:

*"The practice of buying and selling during Friday prayer in a state of emergency is a contemporary fiqh issue that must always be conveyed to the public. So if the law is yes, of course, there is an element of urgency so that there will be no more dangerous mafsadat such as death"*³⁶

³⁴ Interview with the Head of the Emergency Room at the Panyabungan Regional General Hospital, Mandailing Natal Regency, on Tuesday, October 5, 2021, at 13.50

³⁵ Interview with the Chairman of the Indonesian Ulema Council of Mandailing Natal Regency, on Wednesday, October 6, 2021, at 13.50 Wib

³⁶ Interview with the Chairman of the Indonesian Ulema Council Fatwa Commission of Mandailing Natal Regency, Mr Martua Nasution, Lc., M.A on Wednesday, October 6, 2021, at 15.00

If we look at the content in the rules of *fiqh*, we will find how Islamic Sharia is present in all conditions and circumstances encountered, including in an emergency. This is at least reflected in *fiqh* rules such as;

الضَّرُورَاتُ تُبَيِّحُ الْمَحْظُورَاتِ

*Meaning: harm allows things that are forbidden.*³⁷

الضَّرُورَةُ تُقَدَّرُ بِقَدَرِهَا

*Meaning: an emergency, its size is determined according to the level of the emergency.*³⁸

Among *ushul* ulema, the meaning of emergency conditions allowing a person to do things that are prohibited are conditions that meet the following requirements:

1. The emergency condition threatens life and/or limbs.
2. An emergency is only carried out in moderation in the sense that it does not exceed the limit.
3. There is no lawful way except by doing what is forbidden.

Based on the various reasons above, the author concludes that buying and selling are *haram* when approaching Friday prayer. However, it may be done in some cases if it is in an emergency or urgent situation. Meanwhile, if men continue to carry out buying and selling activities without any urgent purposes and the call to prayer for Friday prayer has been proclaimed, then the law is *haram* (forbidden). It is clear that Allah SWT and the Messenger of Allah prohibit the sale and purchase during that time. In addition, it is because Friday prayer is obligatory prayer to be performed. In the study of the analysis of *Maqashid al-Sharia* Science, there is a general term *ad-dharuriyat al-khamsa* (five main points) which when confronted, an emergency applies which the law will adjust accordingly. The five main elements, as can be extracted from the explanation of the *ushul fiqh* ulema Imam as-Syatibi are as follows:

1. *Maintaining the Religion (Hifzu ad-Din)*

Every human being should place religion as an absolute necessity that every human soul must own. Everyone will place religion as a commander that must be guarded and protected. It does not disappear from the human self

³⁷A.Djazuli, *Kaidah-Kaidah Fikih (Kaidah-Kaidah Hukum Islam Dalam Menyelesaikan Masalah-Masalah Yang Praktis)* (Jakarta: Kencana Prenada Media Group, 2006).

³⁸A.Djazuli.

and soul. Therefore, maintaining religion has the highest position of all elements. Because the religion of jinn and humans was created as Allah says:

وما خلقت الجن والإنس إلا ليعبدون

Meaning: "I did not create the Jinns and the human beings except for the purpose that they should worship Me." (Q.S Adz-Dzariyat: 56)

2. Preserving the Soul (*Hifzu an-Nafs*)

This is the second *dharuriyat al-khamsa* after guarding religion. Human life is so valuable in the sight of Allah that everything that is considered as *wasilah* (a means of access to a thing) to save the soul, then *wasilah* becomes mandatory as in the rules of *ushul fiqh*, which is stated:

مالا يتم به إلا به فهو واجب

Meaning: "Everything that will not be satisfied except by providing it, then it becomes obligatory to complete it".³⁹

3. Maintaining the Mind (*Hifzu al-'Aqlu*)

The human soul will lose its value if the human loses his mind. Therefore, this sharia will only apply all its laws and provisions to a *mukallaf* (the accountable person) if that person has had sufficient conditions, including puberty and reason. The reason is one of the greatest gifts that God has given to humans. The position of humans in the sight of Allah as caliph, of course, the reason given by the Creator, intends that humans can carry out their duties and functions in the world as caliphs on earth. Therefore, the principal reason is keeping, maintaining, and safeguarding this universe. The mind must get attention and care; that is a must for every human being. It became the main reason why Allah SWT sent down the first revelation to the Prophet Muhammad, namely the sentence:

علم الإنسان مالم يعلم

Meaning: "He the One who has taught man that which he knew not."
(Q.S Al-'Alaq : 5).

As a form of safeguarding the human mind, Allah SWT teaches humans knowledge to be used as a basis for thinking and a source of action. On the other hand, one of the main reasons for the prohibition of drinking alcohol

³⁹ Abdul Wahhab Khalaf, *Kaedah-Kaedah Hukum Islam* (Bandung: Risalah, 1985).

and gambling is because these actions can eliminate the function of the human mind, as the Prophet Muhammad PBUH said:

كل مسكر حرام قليله وكثيره

Meaning: "Everything that intoxicates is forbidden, whether the amount is a little or a lot".⁴⁰

For this reason, everything that can eliminate human reason must be avoided. Everything that can protect and maintain human reason must be fought for, such as the obligation to study and seek knowledge.

4. Safeguarding the Assets (*Hifzu al-Mal*)

As the primary support for human survival in the world, wealth and property are needed. Islam as a perfect religion also motivates its adherents to work hard and look for provisions for life in this world without neglecting the preparation for the afterlife. Allah SWT says:

وابتغي فيما آتاك الله الدار الآخرة ولا تنس نصيبك من الدنيا وأحسن كما أحسن الله إليك ولا تبغ الفساد في الأرض إن الله لا يحب المحسنين

Meaning: "And seek the abode of the Hereafter with the wealth that Allah has given you, and do not forget your part in this world, and do favours (to others) the way Allah has favoured you, and do not seek to cause turmoil in the earth; indeed Allah does not like the mischievous." (Q.S Al-Qashas : 77).

In the search and management of property, Islam has taught humans a clear concept of getting, spending, and using wealth to preserve the soul and property from things that Allah SWT forbids. Regarding wealth, Islam forbids its adherents to commit acts of extravagance and squandering wealth. On the other hand, Allah commands humans to be helpful in sharing, sensitive to the social environment, and giving to people in need as a means of purifying the soul of the owner of the property and maintaining the blessings of the property itself. It is one of the wisdom of the stipulation of *zakat* (an annual tax on Muslims to aid poor people in the Muslim community), *infaq* (spend wealth for a particular purpose as guided by Islam), and alms.

5. Protecting Descendants (*Hifzu an-Naslu*)

⁴⁰ Imam Abi Husen Muslim bin Hajaj, *Shahih Muslim*.

Maintaining offspring is undoubtedly the main thing in human life because this offspring will later play a role in continuing human life as the next generation of humankind. However, in its provisions, Allah stipulates marriage and forbids adultery which can pollute the glory of humans as caliphs on earth. The maintenance of this lineage can be seen from several things, including the stipulation of marriage, the obligation to maintain, care for and provide for children properly, the obligation to provide education to children, stay away from all things that plunge humans into adultery.⁴¹

Conclusion

As a form of sharia provisions that must be considered is buying and selling during Friday prayer. Whereas in general, the rules are stated, all legal origins are allowed, then the argument comes to prohibit. As stated earlier, the law of buying and selling is permissible because it is part of *muamalah*, but becomes forbidden when there are elements that can damage the practice of buying and selling. Among the triggers for the breakdown of a buying and selling process is when this practice is carried out during Friday prayer. This prohibition began when the call to prayer was uttered, which could shift the urgency and obligation of Friday prayer for men because they were preoccupied with commerce that neglected Friday prayer. It is one of the main reasons why this prohibition was imposed on men.

In terms of prohibition, Islam provides a particular portion and space based on the scales of benefit and harm, including buying and selling practices during Friday prayer. A legal shift can occur if a problem has a crisis that can lead to more significant harm. Thus, the prohibition of conducting commerce with the existing legal turns into permissible if the buying and selling transactions occur in hospitals, airports, ports, terminals and other vital objects in order to maintain the five main points of religion (*adharuriyat al-khamsa*), namely; protecting religion, guarding the soul, guarding mind, guarding property and protecting offspring. A prohibition will be adjusted if one of the five things above becomes threatened based on the conditions and the level is based on the rules.

As a suggestion from the preparation of this article, a social practice should get a large enough portion from academics and ulemas. Among the

⁴¹ Ibn Taimiyah, *Maqasidus Syari'ah* (Riyadh: Dar ibn al-Jauzi, 2001).

muamalah practices that require special attention is buying and selling to invite blessings and prosperity for the community. People should earn the wealth in a good way and spend it well without ignoring religious signs. Therefore, it is appropriate that every religious community understand the teachings of their religion well and try to bring that understanding into their daily lives. Because all religious teachings are good and commendable. It is not a command or prohibition of Allah SWT but for the good of His creatures and the balance of the universe.

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